

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**CORRECTED  
FISCAL MEMORANDUM**

**HB 832 - SB 807**

April 5, 2023

**SUMMARY OF BILL AS AMENDED (004794):** Removes the requirement for a person convicted of criminal exposure to human immunodeficiency virus (HIV) to register on the state Sexual Offender Registry (SOR).

Authorizes a person convicted of criminal exposure to HIV prior to July 1, 2023, to file a request for termination of registration requirements with the Tennessee Bureau of Investigation (TBI) if the offender would not be required to register if the offense was committed after the effective date of this legislation, July 1, 2023. Requires, upon receipt of the request for termination, the TBI to review documentation provided by the offender and contained in the offender's file and the SOR to determine whether the offender would not be required to register if the offense had occurred on or after July 1, 2023. Requires the TBI to conduct a state and federal criminal history background check to determine whether the offender has been convicted of any additional sexual offense. Requires, if the TBI determines that the offender would not be required to register if the offense had occurred on or after July 1, 2023, and the offender has not committed any additional sexual offenses and has complied with the offender's registration responsibilities, the TBI to remove the offender's name from the SOR and notify the offender that the offender is no longer required to register. Requires the TBI to deny the request if the relevant criteria have not been met. Authorizes an offender whose request is denied to petition the chancery court of Davidson county or the chancery court of the county in which the offender resides, if in this state, to review the decision.

**FISCAL IMPACT OF BILL AS AMENDED:**

After further analysis, the fiscal memorandum issued on March 12, 2023 was determined to be in error. The corrected fiscal impact is as follows:

**(CORRECTED)**

**NOT SIGNIFICANT**

**HB 832 - SB 807 (CORRECTED)**

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 39-13-109(a), a person commits the offense of criminal exposure of another to HIV when, knowing that the person is infected with HIV, the person knowingly:
  - engages in intimate contact with another;
  - transfers, donates, or provides blood, tissue, semen, organs, or other potentially infectious body fluids or parts for transfusion, transplantation, insemination, or other administration to another in any manner that presents a significant risk of HIV, HBV or HCV transmission; or
  - dispenses, delivers, exchanges, sells, or in any other way transfers to another any nonsterile intravenous or intramuscular drug paraphernalia.
- Pursuant to Tenn. Code Ann. § 40-39-202(31)(N), a person convicted of criminal exposure to HIV is required to be listed on the SOR.
- The proposed legislation deletes this requirement for such offenders and allows those currently on the SOR to petition to have their information removed from the SOR along with the requirement to continue to register.
- According to the TBI, there are currently 48 registered offenders on the SOR due to a conviction for criminal exposure to HIV.
- The precise number of offenders that may petition to have their information deleted or when they may do so is not known. It is assumed the TBI can perform any necessary work without incurring a significant increase in expenditures.
- Pursuant to Tenn. Code Ann. § 40-39-204(b)(1), offenders on the SOR are required to pay a \$150 fee each year to the appropriate registering agency, which is a local law enforcement agency. The local agency retains \$100 of the fee and the remaining \$50 is deposited into the General Fund.
- Any decrease in General Fund or local government revenue is considered not significant.
- The chancery courts can accommodate any reviews of such matters within existing judicial resources.

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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